

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MUFG UNION BANK, N.A.,
Plaintiff,
v.
WILLIE J. RILEY, et al.,
Defendants.

Case No. [16-cv-02251-JD](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION, AND
REMANDING CASE**

Re: Dkt. No. 7

The Court has reviewed Magistrate Judge Elizabeth Laporte's Report and Recommendation advising that this action be remanded to San Benito County Superior Court. Dkt. No. 7. The Magistrate Judge found that the federal courts do not have subject matter jurisdiction over this unlawful detainer case. Additionally, the Magistrate Judge found remand appropriate on the ground that one of the defendants did not join in the notice of removal. The time to file objections to the Report and Recommendation has passed and defendants have not objected. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Laporte's Report is well-reasoned, and the Court adopts it in its entirety.


For the reasons stated in Magistrate Judge Laporte's Report, the Court has no grounds to exercise jurisdiction over this case, under either 28 U.S.C. § 1331 or 28 U.S.C. § 1332. Accordingly, the Court finds the case to have been removed improvidently and without jurisdiction. The Court orders the case remanded to the Superior Court of California for the County of San Benito, pursuant to 28 U.S.C. § 1447(c). The Clerk of Court is asked to transmit a copy of this order to the clerk of the State court.

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Plaintiff's request for attorneys' fees is denied for the reasons stated by Magistrate Judge Laporte in her Report.

IT IS SO ORDERED.

Dated: May 31, 2016



JAMES DONATO
United States District Judge